

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11958-RGS

MARTIN J. GALVIN, JR. ED.D.,)
Plaintiff)
)
v.)
)
THE TOWN OF YARMOUTH,)
PETER L. CARNES AND STEVEN XIARHOS,)
Defendants.)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Peter L. Carnes and Steven Xiarhos, in their individual and official capacities, and the Town of Yarmouth hereby request an entry of summary judgment in their favor as to all counts in the plaintiff's amended complaint.

As to all defendants, the plaintiff alleges wrongful dissemination of Criminal Offender Record Information (CORI) in violation of G.L. c. 6, § 172 (Count I); violation of the Massachusetts Civil Rights Act (G.L. c. 12, § 11H-11I)(Count II); a deprivation of property and liberty interest in violation of 42 U.S.C. § 1983 (hereinafter "§ 1983") (Count III); invasion of privacy under G.L. c. 214, § 1B (Count IV); tortious interference with contractual relations (Count V); and intentional and negligent infliction of emotional distress (Counts VI and VII).

In support of this Motion, the defendants rely upon and incorporate the attached Statement of Undisputed Material Facts, Memorandum of Law, Affidavit of Counsel and supporting exhibits. The supporting exhibits are set forth below:

Tab 1. Amended Complaint;

Tab 2. Deposition of plaintiff Martin Galvin (selected excerpts);

Tab 3. Facsimile sent by Lt. Xiarhos to Waterbury Public Schools;

Tab 4. Deposition of Dr. David Snead (selected excerpts);

Tab 5. Transcript of Galvin v. Galvin (selected excerpts);

Tab 6. Dissolution of Marriage Judgment, Docket No. FA-00-0158162;

Tab 7. Randal Edgar, Wilby, Crosby put on notice – Regional board says standards not being met, Waterbury Republican-American 1A (Apr. 18, 2002),;

Tab 8. Cindy F. Crawford and Robyn Adams, Wilby principal removed, Waterbury Republican-American 1A (Apr. 24, 2002); and

Tab 9. May 8 and May 20, 2002 letters between the plaintiff and Dr. Snead.

Wherefore, there are no material issues of fact in dispute and the defendants are entitled to judgment as a matter of law.

Respectfully submitted,
The defendants,
By their attorneys,

/s/ Thomas P. Campbell
Thomas P. Campbell BBO #564124
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza, 12th Floor
Boston, MA 02116
(617) 880-7100

Dated: March 30, 2006